

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY



Order Filed on March 24, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

Sharon Sacks,

Debtor.

Case No.: 17-11766

Chapter: 7

Judge: CMG

ORDER REGARDING REAFFIRMATION AGREEMENT

The relief set forth on the following pages numbered two (2) is hereby **ORDERED**.

DATED: March 24, 2017



Honorable Christine M. Gravelle
United States Bankruptcy Judge

Case No. 17-11766 (CMG)
Debtor(s): Sharon Sacks
Order Regarding Reaffirmation Agreement
Page 2

The Reaffirmation Agreement between the Debtor(s) and Nissan-Infiniti LT is DISAPPROVED. The Court concludes that the subject of the Reaffirmation Agreement is in fact a personal property lease. Because the underlying agreement before the court is a lease, the only relevant Bankruptcy Code provision for Debtor to continue to enjoy the benefits and endure the corresponding obligations arising from use of the personal property subject to the agreement is Section 365(p), not Section 524. The parties may enter into a lease assumption agreement without need for court approval. *In re Bailly*, 522 B.R. 711, 718 (Bankr. M.D. Fla. 2014).

IT IS ORDERED that in accordance with D.N.J. LBR 4001-2:

A lessor does not violate the automatic stay imposed by § 362 of the Code or the discharge injunction imposed by § 524 of the Code when it sends any of the following documents to the debtor:

- (1) a regular monthly statement or payment coupon;
- (2) a reminder statement which is informational only and does not demand payment;
- (3) a notice of the status of an escrow account, including a notice regarding calculation of a new monthly payment based on a change in the property tax or insurance premium; or
- (4) a notice of an adjustment to a variable rate monthly mortgage payment resulting from a change in the interest rate.

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
District of New Jersey

In re:
Sharon Sacks
Debtor

Case No. 17-11766-CMG
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 24, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 26, 2017.

db +Sharon Sacks, 14 Hamilton Drive, East Brunswick, NJ 08816-2709

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 26, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 24, 2017 at the address(es) listed below:

Andrew M. Lubin on behalf of Creditor Bank of America, N.A. bkecf@milsteadlaw.com,
alubin@milsteadlaw.com

Barry Frost trustee@teichgroh.com, NJ94@ecfcbis.com

Brian W. Hofmeister on behalf of Trustee Barry Frost bwh@hofmeisterfirm.com

Denise E. Carlon on behalf of Creditor U.S. Bank National Association, as Trustee for Banc of America Funding 2009-FT1 Trust, Mortgage Pass-Through Certificates, Series 2009-FT1
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Robert C. Nisenson on behalf of Debtor Sharon Sacks rnisenson@aol.com,
nisensonlaw@aol.com;G2729@notify.cincompass.com;nisensonlaw@gmail.com

U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

William M.E. Powers, III on behalf of Creditor Bank of America, N.A. ecf@powerskirn.com
TOTAL: 7